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SOME UNSETTLED QUESTIONS ABOUT CHILD LABOR

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The four years of study and legislative work conducted by the National Child Labor Committee should give us a basis in experience for a clear definition of the problem of child labor in America. The complicated nature of the work was probably understood from the first by those actively interested in the formation of the Committee, but it was not understood by the public in general. Nor is there to-day any general consensus on many of the essential features of its solution.

There is a widespread idea that the evil briefly called "child labor" is an iniquitous system existing as an integer and perpetuated solely by the cruelty and greed of the slave-driving employer. To correct this error is a first duty. The effort to abolish the evils of child labor is complicated by the wide variety of industries in which children engage; by the marked contrasts in opportunity in different sections of the country; by the influx of alien races bringing their traditions and customs wholly foreign to the ideals of democracy; and by the inequalities in legislative restriction which render enforcement almost impossible, so long as our fifty commonwealths adhere to as many different laws on the subject.

It has been the aim in planning the discussions at this Conference to record the points on which essential agreement has been reached and to give special consideration to that horde of difficult questions that remain unanswered. We are to tell each other what points have been reached. We must bring to each other the questions we cannot answer. If any general principles have been fully established, all citizens should have the benefit of the experience of those who solved them. If it is discovered that at any point we have turned in an unwise direction, that error should be pointed out clearly, and our whole train of activities should be set on the right track.

It is the purpose of this paper to review a few of the typical questions that have not been solved, as an introduction to the discussions that are to follow. Perhaps the questions requiring

most immediate attention may be divided for convenience as follows:—

- (1) What classes of children should be entirely eliminated as a factor in the industrial problem?
- (2) From what industries should all children be eliminated?
- (3) What regulations should govern the conditions of the children who may wisely be employed?
- (4) What is to be done with those excluded from industry?

I. What Children to be Eliminated

Obviously there is a period in the life of the child which, both for the good of the child and for the good of society, must be kept free from exacting toil or burdensome responsibility. How shall the end of that period be marked? The method thus far applied has been through the establishment of a minimum age limit. That age limit has advanced steadily from eight and nine years until to-day it is generally agreed that, in this country, no child under fourteen years can wisely be subjected to wage-earning labor.

Not that all our states have advanced to this standard, for South Carolina, Alabama, Maryland, Florida, Georgia, Mississippi, Texas, and West Virginia permit children of twelve years to be legally employed, and North Carolina fixes thirteen years as the limit. Furthermore, in a number of these states if a child is poor or otherwise handicapped he is turned at even an earlier age to the hard battle for life. But the interested citizens in those parts of the country make an apology for permitting this early exploitation of the child, and are seeking to raise their commonwealths to the higher standard. This fourteen-year limit, however, does not express the standard agreed upon. Beyond this the prevailing demand requires that the fourteen-year-old child shall meet certain educational and physical tests before being subjected to industrial competition. In Colorado, Michigan, Nebraska, Vermont, and Wisconsin he must pass at least the eighth grade before being released under sixteen from school, and in New Jersey he must pass all the grammar grades, and his fifteenth birthday before he can be excused from school. In New York, Ohio and Montana he is required to pass the eighth grade.

In a number of states efforts are being made to add careful physical tests, to be made frequently during the school course and upon entering industry. Especial emphasis is at present being put on the

physical qualifications of the working child. Manifestly the under-developed child, the child lacking in sight, hearing, lung development, muscular growth, bone formation, or heart action should not be abandoned by the state to the rigors of an industrial life merely because he has reached the age of fourteen years. There are those who take the position that the age test should be abandoned and there should be substituted educational and physical qualifications. One of the papers at this Conference will seek to show the possibilities of making anatomical and physiological tests, by which the development of the child can be gauged with scientific accuracy, and thus the actual physical age be recorded. The difficulty of applying this method in small communities and in parts of the country devoid of skillful medical practitioners will at once appear. It would seem that the medical professor should everywhere be counted on to give the child that meed of protection which is due. Yet it is notorious that in many cities the local boards of health perform in a merely perfunctory manner, or entirely neglect to perform their duties in relation to the certification of children seeking employment.

Despite these objections we welcome this proffered aid to the solution of one of the most perplexing phases in this problem. And we believe the movement among physicians marks the beginning of a more rational and scientific treatment of the whole subject. Such tests would, from the outset, have immense educational value. Let the people be convinced that the child is not a little man or woman, but a being in the process of physical formation—with features of that development so delicate that no less caution is required at the age of ten or twelve years than was required in infancy—and a speedy end will be reached of all the popular fallacies about the benefits of hard and exacting labor in the training of the little child. Such tests as are foretold in these experiments present an encouraging prospect. Meanwhile there will be a period of experimentation and civil war among the experts. During the period if we must continue to “fumble” we must insist that, while we work by confessedly unscientific methods, the child shall be given the benefit of the doubt.

For the encouragement of those who have fought to establish the laws that now protect the children in many states it may be noted that thus far the findings of the physicians and anatomists

tend to justify the rough line of demarcation that has been drawn at fourteen years and to urge the adoption of still higher restrictions. Upon this point, then, we are clear in our duty to attack every part of the country which compels younger children to be wage earners.

At a recent child-labor conference in Connecticut a leading manufacturer of New England frankly proposed a sixteen-year limit for all children in wage-earning industries. This gratifying proposition is meeting with popular favor. The Governor of Connecticut has advocated this in his message to the legislature, and a bill may be presented to thus amend the law. Such a step in Connecticut would provide a new basis for legislation in other states.

II. From What Industries Should All Children Be Excluded

Upon this question there is a ground of general agreement with a wide margin of doubt. We may agree that all mines and quarries; all mills in which, as yet, no successful method of guarding dangerous machinery has been applied; all factories in which dangerous acids, chemicals, or high explosives are used should be positively shut against the child. But just what are the kinds of industry referred to? In a few states a partial list of industries regarded as dangerous has been made, but nowhere, we believe, with completeness. Neither can there be until every state shall establish, as New York has this year done, a sanitary department of factory inspection and shall have that department so perfectly equipped that a report may be made to the state of all forms of industry that offer menace to life, limb, or health and in which the measure of risk in each may be tabulated upon their record or if they have no record, upon their reputation elsewhere.

Such inspection will doubtless add to the list of hazardous employments, many now looked upon as safe places for working children. They will note the special aptitude of the little child to get into danger or harm in places that are entirely safe for the adult—from the mere fact of immature judgment, recklessness and curiosity.

The labor required about a coal mine is obviously dangerous, and we are not surprised to learn from the last available statistics upon this point from the anthracite mines of Pennsylvania that among the slate pickers the ratio of accidents to boys sixteen

and under is 300 per cent. higher than to the men and boys above sixteen in that branch of the industry.

Ordinary industries of our states are not, as a whole, exceptionally dangerous. Yet the report of the Factory Inspector of Indiana for 1907 shows 400 per cent. of accidents to children as compared with the adults, and the report from Michigan in 1907 shows 1100 per cent. of hazard to children—in proportion to the number employed. What is the record of the whole country? Are children being sacrificed by industry twice as rapidly, or three times, or four times, or eleven times, or what is the percentage of risk to the working child? And what are the industries in which these accidents most frequently occur? We believe no state wants to mangle or kill its little children in industry. We sin in ignorance. But we have no right longer to be ignorant. Our industries are well enough developed and cause and effect are sufficiently well known to make ignorance inexcusable; and we spend enough money in public administration on far less important matters to leave no excuse for neglecting this safeguard to the public health.

Such a Federal Children's Bureau as we are urging would have, as an essential part of its field of labor, to discover and compile for public information, all the facts that can be gleaned from the whole country bearing on industrial accidents to children. A few well-compiled reports, we venture to predict, would put an end to the discussion. For the present, however, in default of any more complete basis of agreement, we may reasonably urge that, if fourteen years is to be made the minimum age for general employment, sixteen years shall be laid as the minimum for employment in all industries that are known to be dangerous in the ordinary sense, and eighteen years in the extra-hazardous occupations. This higher age limit should also, of course, apply to all industries in which there is a menace to the moral life.

III. Regulations Governing Employment of Children and Youth

Assuming that many children on reaching the age of fourteen years, or its equivalent in mental and physical development, may be employed, also that, for those employed there are certain industries which are not excluded as being extra hazardous or dangerous, we have to consider regulations governing the work of children

between fourteen years and maturity who are employed in occupations that are not dangerous. Shall we consent that, because the child and the industry meet certain tests, all protective care on the part of the state shall be removed? Shall it be lawful for a boy who could not be employed legally last week to enter a factory or workshop for an unlimited number of hours, day or night, simply because he has attained a given birthday?

On some of these questions we ought soon to arrive at a fair consensus of opinion. We may differ as to whether the opening and closing hours in a factory should be five, six, seven, or eight o'clock, but there should no longer be any doubt as to whether a young boy or girl, just passed the age of fourteen, may work a ten-hour day as in New Jersey and Indiana and all the New England states, or eleven hours as in Alabama, or twelve hours as in North Carolina, Pennsylvania and Georgia, or an unlimited period as in West Virginia, Kansas, Oklahoma, Wyoming, and Nevada.

Here is a plain question on which neither the interests of the industry, the poverty of the family, nor any other motive should lead us to compromise. No child can study for a ten-hour day without serious injury; nor play for ten hours or more without harm. How much less reasonable to suppose that a child of tender years and with bones but partly formed and muscles undeveloped may be put to the single task of earning profits for its employer, or bread for its progenitors, for a ten or eleven or twelve hour day, without suffering an injury for which society must pay heavily in the future!

It is gratifying to record that already Ohio, Illinois, Nebraska, New York, and Colorado have fixed an eight-hour day for children under sixteen years (the law in New York applying to factories, with a nine-hour day in mercantile establishments, and Ohio extending the eight-hour protection in the case of girls to eighteen years). No evidence is on record, either from the reports of the Factory Inspectors, the School authorities, the compilers of labor and industrial statistics, or from the operators of the industries affected or the families of the children concerned, to show that any serious interruption to business has been suffered, or that poverty and family dependence have increased. On the other hand, these reports, official and unofficial, tend to show that some industries have adopted the eight-hour schedule, while others have been en-

couraged to advance to higher levels, because of the elimination of those who could not profitably be employed for a shorter period than the normal working day, and the consequent substitution of older and more competent employees. As to the families affected, the reports from state and local committees to be presented at this conference will show that the dread of causing sick fathers and widowed mothers to starve because little children are forbidden to be crushed under excessive industrial burdens is a needless dread. Poverty has rather tended to decrease and family standards have tended to advance toward the line of self-support as a result of these humane measures.

In the light of this experience shall we not agree that we have a plain duty to press upon the people of the states adjoining those mentioned, namely: Indiana, Michigan, Wisconsin, Iowa, New Jersey, Pennsylvania and Connecticut, as well as a number of the younger western states—the need of throwing this special form of protection about those who are on the border line between childhood and youth. Shall we not urge them to establish an eight-hour day for all children under sixteen years in all wage-earning employments?

The necessity of gradual approach to this reasonable standard is recognized, therefore we shall count it a gain, if in Pennsylvania this year a ten-hour day can be secured for children of fourteen or if in North Carolina the hours per week can be reduced from sixty-six to sixty.

Night Work

The same conclusions are potent as against all industrial employment at night. It may be granted that certain forms of industry can be carried on more profitably when operated day and night and that no legislation should be enacted which will cripple them in their night operations. But when the welfare of a child or youth of eleven or thirteen or fifteen years is involved, argument should be at an end. If the child cannot find a place in the industry without being subjected to the obvious injuries of night work, then let him be excluded altogether.

The chief opposition to such restriction will continue to come from those engaged in the glass manufacturing industry. Night work of children is practiced in other industries, especially in certain

textile industries, but not as a recognized essential feature of the industry. No cotton mill or silk mill has proclaimed its inability to exist without the systematic employment of little children at night. Yet the glass industry, a branch of manufacturing that has made as great progress as any other in this country in the past quarter-century, under the influence of an exceedingly high protective tariff, stoutly claims that the prohibition of night employment of little boys will be its ruin. The cry usually takes the form of a threat to move the factories to some other state.

Three states in which glass is extensively produced have enacted laws forbidding the night employment of children under sixteen years. These are New York, Ohio and Illinois. These states stand, according to the Census report of 1905, as fourth, fifth and seventh in the scale of glass-producing states.

To determine whether these restrictive laws appear to have injured the industry we refer to the record of its growth since their enactment, and compare it with the growth in states not affording children this protection. The table of comparison given with New York, Ohio and Illinois, on the one hand, and Indiana, New Jersey and Pennsylvania, on the other, presents a valid reply to those who contend that such child-labor laws will ruin the trade.

GROWTH OF THE GLASS INDUSTRY IN FIVE YEARS (1900-1905)

	Increase	Factories	Capital	Wage Earners	Value of output
These States <i>Prohibit Child Labor at night</i>	Illinois.	116. %	63. %	44. %	98.8%
	New York.....	3.9%	54. %	23.3%	55.2%
	Ohio.	32.1%	69. %	72.5%	98.5%
These States <i>Permit Child Labor at night</i>	Indiana	¹ 10.2%	8.6%	17.5%	3.4%
	New Jersey.	15. %	16. %	2.3%	26.8%
	Pennsylvania	2.5%	43.5%	7. %	25.7%

This comparison is not presented here for the purpose of showing that child-labor laws promote the industry, although they appear to afford such evidence. There are other far more important factors

¹ Decrease

determining the progress of this industry than the question of the age or hours of boys who are employed. The cost of fuel, the accessibility to some of the chief constituents in the composition of glass, and good markets are factors far more important, and are those on which an equality of opportunity for different sections of the country can never be realized.

The chief glass-producing states which at present permit the employment of children under sixteen years at night are New Jersey, Pennsylvania, Indiana, West Virginia, Maryland, Missouri and Kansas. In Indiana, West Virginia, Pennsylvania and New Jersey bills are before the legislatures this winter forbidding such employment. Were it possible to combine the forces working for such legislation in these four states, we believe the glass manufacturers would be less opposed and might consider favorably such simultaneous action.

Vacation Permits

Among the specific questions that are to receive consideration here is the question: "What shall be done in the case of school children who apply for permits to work during the long vacations?" On this matter there is the greatest confusion of opinions and programs. In the discussion, which we hope will bring about a degree of harmony in action, we suggest that in the case of vacation permits the injury to the child is not so much from the work he does, although too little attention has been given to the right of the child to a period of relaxation from the overwork often required in our schools, but what makes the summer work a menace to the child's development is the difference between what he does in the summer and what he will have to do in school in the fall. The proverbial reluctance among working children to return to school ought to be a clear suggestion to our communities as to what the school should be. The fact that people are now so perplexed about what to do with the children prevented from work either in vacation or at all times constitutes the strongest possible argument for co-operation with the National Education Association and those associations formed to promote practical education, to the end that a constructive program shall be worked out without delay.

Street Trades

The various street trades and work in city tenements are forms of child employment sorely in need of study and regulation. The physical difficulty in regulating the hours and conditions of employment in street trades is greater than in the case of factories and mines. It is further complicated by the traditions which teach that the little newsboy or messenger of eight or ten years is the only support of his widowed mother, and furthermore, that the little man is on the straight road to the White House or the presidency of some billion dollar trust. We stupidly adhere to these delusions, overlooking the sacrifice of health, education and character, which in the overwhelming majority of instances are suffered by infant newsboys and night messengers, while we have kept the mind fixed on the few notable men who rose to eminence from a childhood in these nomadic pursuits.

Sweatshops

In the matter of tenement-house employment the question of regulation is further complicated by the tradition of parental ownership. We are asked, "How dare the state invade the sacred inclosure of a man's own home and deny his right to the help of his own children, who work under the home roof?" The question sounds conclusive, but it is wholly specious. Its answer is in two parts. In the first place, the place invaded is not a "sacred inclosure." The tenement house workshops in our great cities are not under home roofs, but in crowded blocks of congested humanity, where hundreds of our nation's little children are burning out their eyes at night as they work in the dim gas light on some monotonous task which develops neither mind nor body. For this labor the only rewards are shamefully inadequate wages, bent and diseased spines, stooped shoulders, contracted lungs—the culture beds of deadly germs, and the other natural fruits of wrong physical environment. In the second place, the child is not a parental asset. The state is bound by the law of self-preservation to deny a father or mother the privilege of exacting from his own child what would be regarded as cruel or injurious if exacted from another's child. If the parent, either through poverty, vice or ignorance is unable to provide the care and protection needed, then the state is bound to enter and become the parent of that child.

Farm Labor

A kind of child labor which has received too little attention in this country is to be discussed at this conference. It has generally been assumed that if children work on the farm there can be no objection to their employment. Indeed, one of the most prominent critics of the work of this committee in questioning our representations as to the extent of child labor in America with one sweep brushed aside all the children working on farms as wholly beyond the need of attention.

Naturally the factory and mine have received the first attention, for there the children are congregated, and if evils exist they are more apparent. But disturbing reports are coming to us from many parts of the country, testifying to the neglect or the abuse of childhood in the rural districts. We learn of the twelve-hour workday in the berry fields of New Jersey; of the congestion, overwork, and immorality in the vegetable gardens of Delaware and Maryland, where the pickers' shanty repeats the unhealthy evils of the city tenement; of the beet-sugar fields of Michigan, Nebraska and Colorado, and the tobacco fields and stripping barns in Connecticut, Kentucky, Virginia and Pennsylvania.

Reports reach us from many parts of the country which produce tobacco in large quantities that not only are the children kept from school during the harvesting season, but that through the winter, whenever the weather is favorable for stripping tobacco, they are kept from school one, two and three days a week, and thus their education is interrupted and the whole school system demoralized.

In the fruit-canning sections of New York state, eighteen months ago, a thorough investigation of child labor was made, which revealed such abuse of little children that the canners hiding behind a technicality in the agreement with those directing the investigation insisted that they suppress the publication of the report, lest its publication ruin the industry. Canners in the states not investigated would, it was claimed, use this report against their New York competitors, although the same abuses are believed to exist in nearly every section of the country where canning is extensive.

IV. *Constructive Measures*

But manifestly legislation that eliminates the child or the industry is not enough. There is the constructive side. As to the industry, perhaps we need not concern ourselves. It is enough to know that no necessary form of industry has ever been permanently crippled by excluding the children from it. Inventive genius has always come to the rescue of the industry and has found a way to apply better methods or better machinery, which in the end has put the industry on a higher plane and rendered better service than the child had ever done.

At a time when all over the country so large an army of unemployed men exists as a burden upon the charitable agencies of our communities and as a menace to individual virtue and the foundations of the home, there can certainly be no justification for the contention that manufacturing industries would be crippled by the elimination of young children. Indeed, there is a double motive for the release of young children from industry. Not only are the children benefited by having a substantial addition made to their period of preparation for the obligations of maturity, but the normal demands of our industries would inevitably draw into service large numbers of able-bodied men who are now idle.

But the problem of what to do with the child is less simple. The question arises as soon as a child is thrown out of employment by a new law, "What are you going to do with him?" And no one seems to know. At least there is no agreement upon the point. A mother in Washington a few days ago charged the child-labor law of the District of Columbia with making her son a forger. The newspaper story does not bear the marks of authenticity, but it serves to illustrate the feeling of a large number of people throughout the country. The point of view of those who would leave all children to work indefinitely until society has fully prepared to take care of them, loses some of its force when it is remembered that the same opposition to the law is found in Ohio, where boys under sixteen and girls under eighteen have been thrown out of employments which could not use them on an eight-hour day, and in Alabama and Arkansas, where children of eleven years are thrown out because they were not fortunate enough to have a widowed mother or a crippled father.

None the less, the question is a vital one, and calls for careful study. It is easy to say, "Give the child a practical education and thus fit him for a useful industrial life." But where? In many states the only place a child can get a practical education is in a reform school.

In default of such opportunity for a practical education the schools are yearly leaking a large percentage of those who enter the early grades. Less than thirteen per cent. of all enrolled pupils were reported as above the fifth grade in the last United States Educational Report. It is obvious that those who leave school at ages varying from eight to thirteen years of age are wholly unprepared for the industrial battle of life. Even children who remain in school to the end of the compulsory period in some of the more advanced states are totally unfit to enter industry. The following sentences from the unpublished manuscript of the forthcoming report of the New Jersey Commission on Industrial Education are significant: "Fully ninety-five per cent of the pupils leave school between the ages of fourteen and seventeen, and without having formed any idea as to what trade or vocation they should follow; in consequence they drift into occupations rather than select those which might be most nearly suited to their aptitudes, and their progress is generally arrested at an early age, because of the restricted character of their experience and the failure to receive supplementary instruction."

Much interest attaches to the experiments that are being tried in a number of communities, in making a closer alliance between the school and the manufacturing and commercial enterprises. It is argued that by such an arrangement children may have an introduction to the practical phases of industrial life without interfering with their school work. In our discussion of this project we should not overlook the necessity of a radical revision in the school curriculum. The demands for book learning in many of our city schools at present lay upon the pupils a burden of home work, which not only robs childhood of its rightful recreation, but is a menace to the health and a chief motive in the child to end the school career. It would be necessary also radically to change the processes in the industries under consideration if they are to have any value for the child. If he is to be placed in a factory to do the monotonous tasks now required of the unskilled workers, he might, it is true,

earlier become self-supporting, but his industrial efficiency would be thwarted rather than promoted.

The proper equipment for industrial education in the schools of our country would, in relation to this problem of Child Labor, accomplish two very desirable results:

(1) A far larger percentage of pupils would remain in school to or beyond the termination of the compulsory period, thus vastly simplifying the work of factory inspectors and truant officers. It is well enough to talk of the error of catering to the whim of the child, nevertheless, until the American school house becomes a place to be sought by the children of our communities, instead of shunned, we shall continue to witness the suicide of the higher school grades, the sacrifice of children in our factories and mines, or their almost equally disastrous exposure to the perils of idleness.

(2) We should be able, as we are not at present, to place the young child improperly equipped, in an environment certain to meet his immediate need of training and certain to produce for his family the material rewards which were their chief motive in having him employed.

We are fortunate in having at this Conference a paper by Dr. Draper, who has led the campaign in New York state for such a revision of the public school program, and the results of these discussions may reasonably be expected to clear up many difficult points, and indicate how such a committee can best co-operate with the Association for the Promotion of Industrial Education, the newly organized National League for Industrial Education, and other forces working for an adaptation of educational methods to the needs of an industrial civilization.

Our four-fold duty, therefore, seems clear:—(1) To exclude all young children and all undeveloped children from the burdens of wage-earning industries; (2) to forbid the employment of all children and youth in industries which menace life, health or morals; (3) to limit the hours, forbid the night employment, and otherwise guard the conditions of those children and youth who may be employed, and (4) to aid in those constructive measures which aim to revise the curriculum and equip the facilities of the public schools to meet the recognized needs of an industrial civilization.